

MONTANA DEPARTMENT OF TRANSPORTATION

Civil Rights Bureau
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Affirmative Action Plan

Including 2004 AAP Accomplishments

Including 2005 Action Items

Montana Department of Transportation



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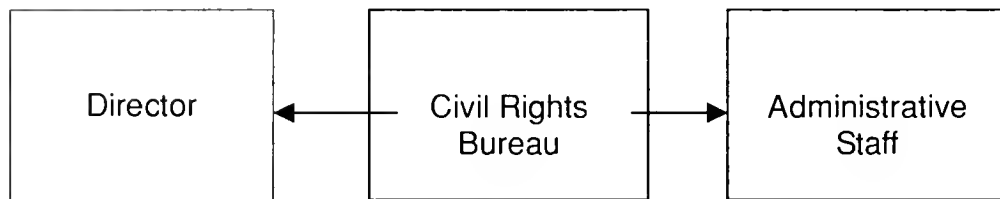
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INTRODUCTION

The Civil Rights Bureau (CRB) prepares the Montana Department of Transportation (MDT) annual **Affirmative Action Plan**.

The CRB is *administratively* assigned to the Human Rights Division; however, the Bureau has a direct line of access to the Director and Administrative staff of the Agency.



The Bureau is staffed with a Bureau Chief who is responsible for:

- Agency wide Title VI program
- Agency wide Title VII program
- Disadvantaged Business Enterprise (DBE) program
- American with Disabilities Act (ADA) program
- DBE Supportive Services program
- Equal Opportunity Employment (EEO) contract compliance
- Labor Compliance programs

The Bureau Chief directly supervises the:

- DBE Program Manager
- ADA Program Manager
- DBE Supportive Services
- EEO/Labor Compliance Specialist
- Title VI/Labor Compliance Specialist
- One Administrative Assistant

Affirmative Action Plan – Part 1

COMPLIANCE PROCEDURES

The FHWA-1392 Report was forwarded to FHWA on October 29, 2004. The September 30, 2004 reporting date was extended with FHWA permission. The extension was necessitated by a massive reconfiguration of the DBE reporting methodology and the impact of that reporting on Montana's contracting community.

Minority and female workers are tracked in the Operator, Truck Driver, Carpenter and Laborer Classifications. Data for 2004 female operators is compared to the average percentage of female operators over the recorded years. That information is charted and graphed and included in this report.



Minority and female workers are tracked in the:

- Operator
- Truck Driver
- Carpenter
- Laborer Classifications.



The total participation in all reportable classifications of federal-aid highway has an eight-year average of 1,593. The total participation in reportable classifications for the 2004 reporting year is 1,312. The total federal-aid highway workforce in the reporting categories is 18% below the average yearly participation in those classifications.

OJT trainee classification statistical data is increasingly difficult to extrapolate. The difficulty arises out of the demand from the contracting community to employ workers with multiple skill sets. Workers with multiple skill sets have become more desirable as contractors adapt to new project parameters and shorter completion times. Training program approval progressively reflects combination training like Truck Driver – Operator, Laborer – Carpenter. In these instances classification is assigned to the primary training emphasis.

FEMALE PARTICIPATION

Female participation is at or above the eight-year average for Truck Drivers, Carpenters and Laborers. Female participation is 2% below the eight-year average in the Operator classification. The total female participation is 13.5%. That is 1% above the eight-year average of 12.5% for females. Female participation in the reportable trades remains at about twice the OFCCP guideline of 6.9%.

Montana has twice the female participation than would be statistically assumed from the OFCCP guideline. Montana has over twice the minority participation than would be statistically assumed from the OFCCP guideline.

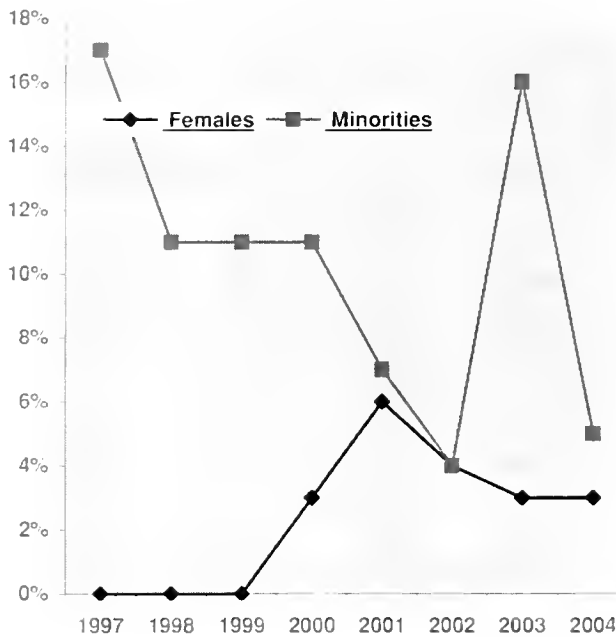
MINORITY PARTICIPATION

Minority participation is below the eight-year average in each of the tracking categories. Total minority participation is down 3.5% from the eight-year average of 14% to a 10.5% participation level in 2004. The 10.5% figure while below the Montana average of 14% is still 2.5 times higher than the OFCCP minority guideline of 4.1%.

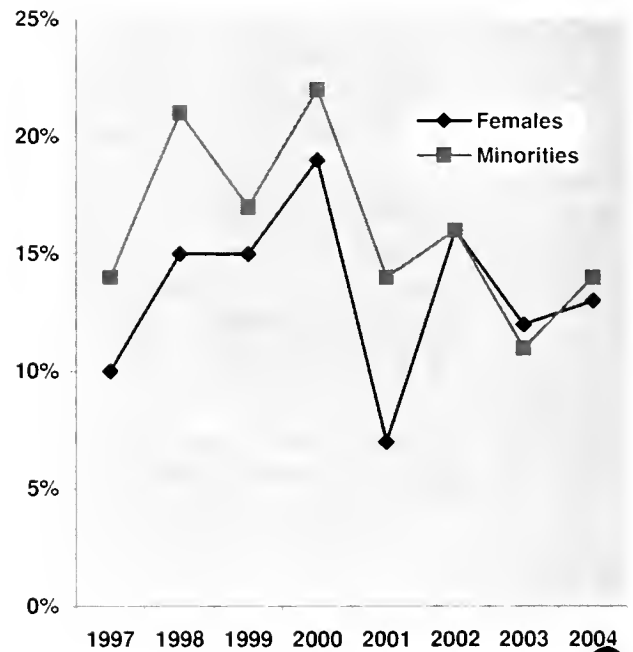
EEO-5 LONGITUDINAL DATA

<u>Year</u>	<u>Classification</u>	<u>Tot. # Employed</u>	<u># Females</u>	<u>% Females</u>	<u># Minorities</u>	<u>% Minorities</u>
2000	Operator	478	41	9%	74	15%
	Truck Driver	433	82	19%	94	22%
	Carpenter	61	2	3%	7	11%
	Laborer	<u>857</u>	<u>252</u>	<u>29%</u>	<u>186</u>	<u>22%</u>
		1829	377	21%	361	20%
2001	Operator	563	47	8%	94	17%
	Truck Driver	540	38	7%	77	14%
	Carpenter	70	4	6%	5	7%
	Laborer	<u>557</u>	<u>105</u>	<u>19%</u>	<u>110</u>	<u>20%</u>
		1730	194	11%	286	17%
2002	Operator	513	43	8%	38	7%
	Truck Driver	371	59	16%	61	16%
	Carpenter	54	2	4%	2	4%
	Laborer	<u>540</u>	<u>108</u>	<u>20%</u>	<u>98</u>	<u>18%</u>
		1478	212	14%	199	13%
2003	Operator	532	48	9%	43	8%
	Truck Driver	308	36	12%	35	11%
	Carpenter	69	2	3%	11	16%
	Laborer	<u>581</u>	<u>124</u>	<u>21%</u>	<u>39</u>	<u>7%</u>
		1490	210	14%	128	9%
2004	Operator	433	27	6%	50	12%
	Truck Driver	332	38	11%	41	12%
	Carpenter	38	1	3%	2	5%
	Laborer	<u>509</u>	<u>163</u>	<u>32%</u>	<u>91</u>	<u>18%</u>
		1312	229	17%	184	14%

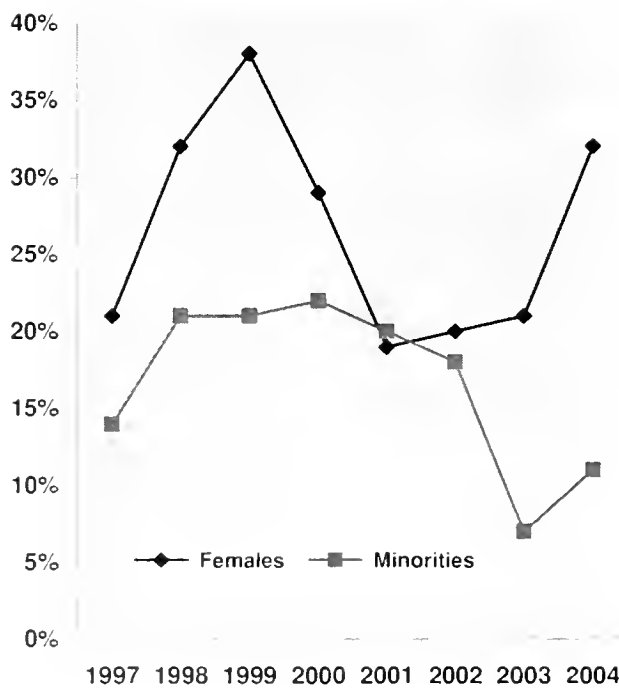
Carpenter Comparision



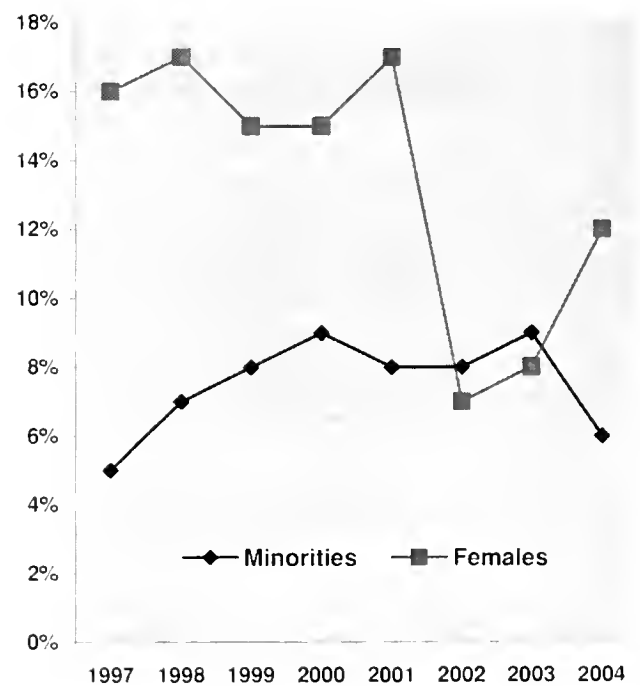
Truck Driver Comparision



Laborer Comparision



Operator Comparision



ON-THE-JOB-TRAINING

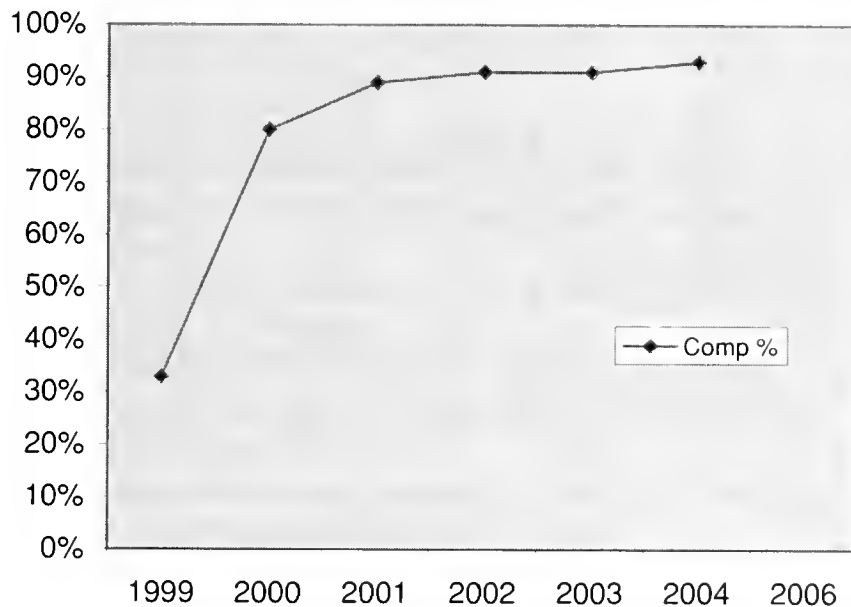
On-the Job Training tracking has continued to be refined. MDT began collecting data in 1999. Improved data collection and refined statistical analysis indicated an 88% completion rate average.

The 2004 reporting year saw the highest number of trainees being placed (40) over the six years data has been collected. The 2004 reporting year had a 93% trainee completion rate - a gain of 5%.

The female trainee composition was 41%. The minority participation was 48%. The combination of females and minorities participating in the OJT training program was 89%.

In 2003 an attempt was made to extrapolate data to provide information about the nationality and gender of trainees leaving the program. With a completion rate of 93% the numbers leaving the program are too small to provide confidence in any conclusions. Unless and until the completion percentage fall, efforts to tease statistics about gender and nationality will not be actively pursued.

Trainees Program Completion



Accomplishments

1. Contract Compliance Review Activities of calendar year 2004

a. Number of reviews conducted in 2004	9
b. Number of contractors reviewed	9
c. Number of contractors found in compliance	8
d. Number of contractors found in non-compliance	1
e. Number of Show Cause notices issued	1
f. Number of Show Cause notices rescinded	1
g. Number of unresolved Show Cause notices	0
h. Number of follow-up reviews conducted	2

A statewide review was not undertaken this year. The concept of statewide reviews has been addressed with a random sample of contractor EEO Officers. They have unanimously endorsed the concept of statewide reviews because;

- a. Company wide efforts to affect "good faith efforts" to recruit women and minorities have been successful.
- b. Specific project reviews create internal issues in transferring women and minority employees to the project to give the appearance of having met "good faith efforts".
- c. Firms resent creating an artificially diverse project specific workforce when their overall efforts meet or exceed OFCCP and FHWA guidelines.
- d. Employee resentment of forced transfers creates animosity toward the EEO program in general and makes the firms' efforts to legitimately endorse and affect EEO processes and Affirmative Action programs more difficult.

Statewide reviews of individual contractors are subject to the vagaries of the bid/award system. With the exception of a few contractors who traditionally manage multiple contracts, this office cannot know if an individual contractor will be awarded any contracts in any particular year.

Contractor and MDT field staff education is the most valuable tool in the CRB's EEO Contract Compliance Program. Educational opportunities occur at a department annual training conference, an annual EEO Officer Assembly, at pre-bid conferences, preconstruction conferences, contractor/project manager workshops, construction seminars, compliance reviews, during problem resolution and in regular on-going communication with contractors and MDT field staff.

The FHWA-1273 was the featured topic at a formal contractor training conducted in March 2004. Thirty-five EEO Officers from twenty-eight contracting firms attended the six-hour EEO Officer Assembly. Additionally, special supervisor training was conducted for four large contracting firms.

2. Contract Sanctions

No EEO contract compliance sanctions were taken against federal-aid highway contractors in Montana in calendar year 2004

3. Complaints

No EEO complaints were received.

4. Innovative Programs

Action items planned for calendar year 2005:

- a. Provide an EEO Officer Assembly with a targeted curriculum
- b. Continue to make EEO information available on the internet
- c. Pilot a contractor EEO Self-Assessment instrument
- d. Continue to utilize computer distance-conferencing (Polycom) for EEO training
- e. Develop and deliver Supervisor Training in Presenting EEO information to employees
- f. Provide "EEO analysis and consultation" to individual contracting firms

C. Contract Compliance Review Activities

The EEO compliance review goal for calendar year 2005 is ten formal reviews. Montana's compliance reviews are comprehensive. They include a site visit; labor/EEO interviews with all contractor employees on the job that particular day, a review of the hiring practices of the contracting firms and an in-depth interview of both the project superintendent and the prime contractor's EEO Officer. Any noted deficiencies are time-framed for correction and targeted follow-up inquiries are made for all correctable items.

EEO contractor compliance selection criteria includes but is not limited to; (a) unfamiliar or questionable recruitment, hiring, subcontracting, monitoring subcontractors' labor and/or employee practices and (b) history of compliance reviews with a focus on those contractors not having had a review for three or more years. MDT will also continue conducting statewide, multi-project reviews when appropriate.



Theba A. Thomas, OJT trainee of Frost Construction, on the Ekalaka Project. Ms. Thomas is a Laborer Trainee learning the skill of Grade Staking. Seen here posing for a photo as a Frost patrol grader follows her staking protocol. September 2004.

INTERNAL PROGRAM – PART II

OVERALL STATUS

MDT is signatory to three bargaining agreements:

- Crafts
- Montana Public Employees Association (MPEA) and
- American Federated State, County and Municipal Employees (AFSCME)

Vacant non-management positions covered by these agreements must be posted internally before external publication can occur, thereby giving current qualified employees the first opportunity to apply for positions. If there are no qualified internal applicants, the vacancy announcement is posted externally with State Job Services and minority/female referral sources including tribal TERO offices. The MPEA supplement provides a preference for bargaining unit members for a period of up to two years following the date of layoff.

Additionally, MDT is subject to the:

- Montana Veteran's Preference Act and
- Disability Preference Act

The Veterans' and Disability Preference Acts provide for job preference for externally posted and management positions.

MDT continues to participate in the welfare-to-work programs. During this calendar year the headquarters office provided work experience to one Hispanic female, one Native American female, one disabled male, 4 white males and 13 white females. The Billings District had one white female work experience person.

CRB personnel and the District Human Resource Specialists routinely meet with identified minority and female referral sources. The purpose of these meetings is broad and ranges from recruitment purposes to providing educational programs. Following are key examples of some of the activities undertaken during this calendar year:

GLENDIVE

On January 6, Jan Bos, District Human Resource Specialist, participated in the "We can Do It Work Shop" at Miles City Community College,



a career fair attended by Junior and Senior High School girls from six area schools. Her presentation focused on the diverse career opportunities for women at MDT.

In March, Bos sent Practice Math Books to Fort Peck and Lame Deer Tribal Employment Rights Officers (TERO) in advance of posting temporary Engineering Project Aide positions. She made follow up phone calls to both agencies. Additionally, she created recruitment posters, with highlights of the Engineering Project Aide position. These, along with the vacancy announcement were sent to the agencies. The District was able to hire a male Native American into one of these temporary positions.

In April, Bos became a member of a steering committee to begin planning for a Career Day in Lame Deer. Other members of the committee included Jennie LaFranier, Northern Cheyenne TERO, Willie Schmidt of PPL in Colstrip, Mike Scott and Clay Ramsey of St. Labre School and Kitty Medicine Bull of Dull Knife College.

After that meeting, Bos worked with several TERO staff on accessing MDT vacancy announcements via the Web Site.

In April, Bos visited Zane Spang, Dean of Students, at Dull Knife College on the Northern Cheyenne reservation to provide information about MDT careers. Bos also visited Jacqueline Azure, Personnel Officer in the Fort Peck Reservation WoRc program. Bos provided work zone pamphlets, color books and job brochures. She also offered to help clients with State job applications.

On April 28, Bos also visited with Laura Krouth, counselor at Wolf Point High School. Bos left her business card and expressed interest in participating in any upcoming job/career fairs. Bos met with Lannette Clark of Fort Peck Community College and provided the college with MDT career brochures. FPCC does not sponsor a Career Fair.

On October 14, the Glendive District personnel participated in the Career Fair in Lame Deer on the Northern Cheyenne Reservation. Students from Busby, St. Labre, Ashland, Lame Deer, Colstrip and Chief Dull Knife College attended the event. Misty Miner and Melissa Stroh, Material Inspection Technicians, set up a "hands-on" display of soil samples and paving materials. They also demonstrated testing techniques and the importance of quality assurance in paving operations through a display of the Hamburg rut test. Misty and Melissa demonstrated a strong role model of women who are successful in non-traditional careers. Gary Baker, Colstrip Section Person and Roger Zuehlsdorff, Maintenance Tech III shared information about career opportunities in Maintenance. They also gave students the opportunity to sit behind the wheel of a snowplow and a mower. Bos shared a variety of information about different MDT job opportunities using a career opportunity display board and various handouts.



Glendive District posted all external positions to all identified referral sources likely to yield minority or female applicants. Positions were advertised in the *Wotanim Wowapi*, Fort Peck tribal newspaper.

During the calendar year Bos externally advertised eight permanent positions. Despite exceptional recruitment efforts, only one Native American applied for one position. Although the Native American did not meet minimum qualifications for the Information Technology (IT) position an Asian American female was hired. Twenty-five temporary positions were filled and the only Native American male who applied was hired as a project aide. A Native American female failed the math portion of the selection process.

Assiniboine-Sioux cultural training had been scheduled for employees in the Wolf Point District, unfortunately the tribal resource person was unable to provide the training at the last minute. Northern Cheyenne cultural training was scheduled in the Glendive office, however, the tribal resource person was injured and unable to attend. Speakers with Crow tribal affiliations were able to present in both Glendive and Miles City.

BILLINGS

April 8, 2004, Dee Dee Kane, Billings Human Resource Specialist, hosted an MDT booth at the annual Jobs Jamboree sponsored by the Billings Job Service Workforce Center. The Jobs Jamboree is sponsored by over 100 employers and is attended by more than 1000 job seekers. Information about MDT employment opportunities and applications were provided to jobseekers that stopped at the booth. It is difficult to identify how many Jamboree participants actually submitted three applications for employment; however, three white males who were hired indicated they had learned about MDT at the Jamboree.

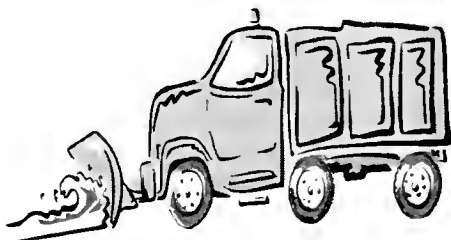
April 14, 2004, Kane hosted an MDT booth at the Crow Tribe Education Career Fair at Crow Agency. Myron Wilson, Billings District Construction Supervisor and two MDT Crow truck drivers, Jeff Jefferson and Thomas Morning assisted with the booth. They provided information to high school age youth from all area High Schools including Crow Agency, Wyola, Lodge Grass, Saint Xavier, Pryor, Lame Deer, and Busby. The staff assisting with the booth was successful in talking to many youth about careers within MDT. It was especially interesting to note that students

from both the Crow Reservation and the Northern Cheyenne Reservation participated in this event.

Prudy Hulman, MDT Transportation Awareness Coordinator, and the Montana Department of Transportation were named "Employer of the Month" by the local HRDC office for our efforts in employing participants in their programs. The Billings welfare-to-work program provides work experience opportunities to individuals who have very few work related skills. The work experience provided by Billings provides marketable skills to individuals seeking full time jobs.

On June 28, 2004, one temporary female maintenance technician attained permanent status in the Billings section.

A female was hired as a temporary snowplow operator for the Columbus section as a temporary snowplow driver. This female worked well through the snow season



and then transferred over to construction for the summer. She has decided she likes construction and was successful in applying for a permanent construction position.

A female Native American from the Northern Cheyenne reservation was rehired as a temporary snowplow driver. A male Native American was hired for a temporary position in the Billings section; he will be eligible to apply for permanent position that will become vacant in early 2005.

Kane has developed an e-mail notification process to employment referral sources in the Billings Division. For those who do not have access to the computer, letters and written notifications are mailed.

MISSOULA

Bonnie Sedita, Missoula District Human Resources Specialist, visited with the Salish Kootenai personnel office in Pablo on several occasions. She conducted two informational workshops at the Salish Kootenai campus to provide help in filling out

applications and answering questions about the Highway 93 project. This project is a major construction activity that will take place over the next few years and will offer numerous employment opportunities to residents of the Salish Kootenai reservation.

Recruitment was accomplished at Missoula College of Technology, Job Service and Salish Kootenai Tribal Office and TERO office in Browning, Flathead Valley Community College, Montana Peaks and all referral sources listed in the agency. This winter season, Missoula District hired three tribal members from the Salish Kootenai Reservation and two from the Blackfeet Reservation. Four white females were hired, two in Missoula and two in Kalispell.

Local referral sources continue to contact us and vice versa which keeps lines of communication open and possibilities reasonable. This District has been successful in hiring many Native Americans and females through our local resources.

It's been another quiet year in the Missoula District. The Highway 93 project will begin full swing this coming year and Missoula will have more employment to offer on the reservation. Missoula is planning on offering Salish Kootenai cultural awareness training to all employees in late 2004 and early 2005.

GREAT FALLS

In January Cheryl Winship, Great Falls Human Resources Specialist, contacted the referral services in Great Falls for applications for a Road Reporter. The Great Falls Job Service Workforce Center was able to locate a female applicant who was hired.

In April the District Financial Officer and Winship attended the Employee Expo (Career Fair) at MSU Great Falls. The area Tribal Colleges brought perspective employees to the Career Fair in buses and they spent the day. MDT staff gave out approximately 75 applications and self-help math books. Six Native American males returned applications, however, there were no openings at the time. Follow-up will occur as positions become available.

EEO training was accomplished for all new hires. During late 2004 and early 2005 Native American representatives from the Blackfeet, Rocky Boys, and Ft. Belknap will be conducting cultural training at several MDT locations throughout the District.

In August and September. Ads were placed in newspapers in Great Falls, Havre, Shelby, Valier, Cut Bank, and Browning for applications for Maintenance Techs positions. Specific letters were sent with applications to each of the three TERO offices and to the other identified minority referral sources. No applications were received.

In September, letters were again sent to each TERO Tribal Office and Great Falls referral sources offering to explain what positions we were hiring for and what positions were anticipated to become open. Winship offered to provide training to tribal members relative to state applications. No responses were received from any of the sources.

Recruitment resulted in hiring four white females and two Native Americans for Maintenance positions. Construction did not hire external positions this year.

BUTTE

The Butte Human Resources Specialist attempted to contact all referral sources in the Butte District to set up an open house gathering to explain the application process and show them the work sites for maintenance, equipment, preconstruction including the clerical support area.

PROGRESS ON ACTION ITEMS FROM PREVIOUS UPDATE

ACTION ITEM 2004-1

Action Item Planned for calendar year 2004

Action Item 2004-1: Background – MDT continues to experience low numbers of minority and female applicants.

Action taken:

1. As noted in the District reports contained on previous pages, both the Glendive and Billings District were extremely successful in developing and delivering informative, hands on examples of the kinds of work available at MDT. This kind of exposure helps high school students and others have a better understanding of the kinds of careers available and the knowledge, skills and abilities needed to perform those identified careers. The Great Falls District made numerous efforts to attract minority applicants from three reservations and received no response to any of their efforts.

Missoula had some success with recruitment efforts but did not receive as many applications to hire from. Communications between TERO Officers and the Civil Rights Bureau have indicated that the TERO Officers believe wages paid by the State for most positions are not sufficient for an Indian family to accept employment in non-reservation communities. They have also indicated that the fringe benefit package offered by the State has little or no meaning for tribal members due to services offered on the reservation.

2. Members because they already have tribal health service and other amenities available to them on the reservation.
3. Re-establish active, effective lines of communication with Butte District referral sources

Action Taken:

The Butte Human Resources Specialist attempted to contact all referral sources in the Butte District to set up an open house gathering to explain the application process and show them the work sites for maintenance, equipment, preconstruction including the clerical support area.

COMPLAINTS FILED DURING 2004

<u>CASE NUMBER</u>	<u>BASIS</u>	<u>FINDING</u>	<u>INVESTIGATING AGENCY</u>
MDT 04-01	Sex Discrimination	No Cause	MDT & Human Rights
HR 04-02	Sex Harassment	No Cause	Human Rights
MDT-HRB 04-03	Retaliation	No Cause	MDT & Human Rights
MDT 04-04	Gender	No Cause	MDT
MDT 04-05	Sex Harassment	No Cause	MDT
MDT 04-06	Sex Harassment	No Cause	MDT
MDT04-07	Sex Harassment	Cause	MDT
MDT 04-08	Age	No Cause	MDT

Information relative to the location of each complaint has not been provided in this report in order to further protect the identity of the complainant. The Civil Rights Bureau accomplishes tracking of complaint locations.

INTERNAL APPLICANT FLOW – 2004

Internal applicant flow data is generated when a vacancy announcement for a position is posted internally. In accordance with appropriate bargaining agreements, non-management positions are posted in-house in order to provide an opportunity for current employees to apply. If there are no qualified applicants, the position is then posted externally. Management position may be posted both internally and externally.

Analysis of Internal Applicant Flow statistical data for 2004 indicated there were 489 internal applicants applied for 116 permanent positions. 87% of the applicants were males and 13% were female.

Twelve applications (2%) were received from Native American males; no Native American females applied. One Hispanic male applied and no female Hispanics applied. One Asian female applied and no Asian males applied.

Adverse impact analysis indicates the ratio of Native American male applicants hired exceeds the number of non-minority applicants. One hundred per cent of the Asians who applied were hired and the only Hispanic male applicant was not hired because he did not meet minimum qualifications for an MCS Officer in Protective Services. Analysis of the MCS Officer selection process indicated that minimum qualification criteria was job related and the Hispanic person did not meet those minimums.

Adverse impact analysis indicates the ratio of female applicants hired exceeds the number of male applicants in all EEO Categories except the Professional Category. In the Professional category, 25% of the female applicants were hired compared to 27% of the male applicants. Using EEOC adverse impact guidelines the ratio of hired females to hired males is within acceptable levels.

Statistical data for specific selection processes is available upon request.

Montana Department of Transportation
Civil Rights Bureau
Adverse Impact Analysis-Permanent
01-Jan-2004 through 29-Nov-2004
Agency Wide All Divisions
Internal

<u>EEO CATEGORY</u>	<u>TOTALS</u>	<u>CAUCASIAN</u>	<u>NATIVE AMERICAN</u>	<u>HISPANIC</u>	<u>ASIAN</u>	<u>BLACK</u>	<u>UNKWN</u>	<u>OTHER</u>	<u>MALE</u>	<u>FEMALE</u>	<u>UNKWN</u>
PROFESSIONALS											
Total Applicants	114	114	0	0	0	0	0	0	94	20	0
Number Hired	31	30	0	0	0	0	0	0	25	5	0
Percent Hired	27%	26%	0%	0%	0%	0%	0%	0%	27%	25%	0%
Adverse Impact		NO							NO	NO	
TECHNICIANS											
Total Applicants	60	56	2	0	1	0	1	0	40	19	1
Number Hired	20	18	1	0	1	0	0	0	12	8	0
Percent Hired	33%	32%	50%	0%	100%	0%	0%	0%	30%	42%	0%
Adverse Impact			S/I		S/I		S/I			NO	S/I
PROTECTIVE SERVICES											
Total Applicants	27	26	0	1	0	0	0	0	24	3	0
Number Hired	4	4	0	0	0	0	0	0	3	1	0
Percent Hired	15%	15%	0%	0%	0%	0%	0%	0%	13%	33%	0%
Adverse Impact		NO		S/I						S/I	
OFFICE/CLERICAL											
Total Applicants	14	13	0	0	0	0	1	0	3	11	0
Number Hired	6	5	0	0	0	0	1	0	1	4	1
Percent Hired	43%	38%	0%	0%	0%	0%	100%	0%	33%	36%	0%
Adverse Impact		NO					S/I			NO	
SKILLED CRAFT											
Total Applicants	261	252	9	0	0	0	0	0	253	8	0
Number Hired	53	50	3	0	0	0	0	0	51	2	0
Percent Hired	20%	20%	33	0%	0%	0%	0%	0%	20%	25%	0%
Adverse Impact			NO						NO		
SERVICE MAINTENANCE											
Total Applicants	13	12	1	0	0	0	0	0	12	1	0
Number Hired	2	2	0	0	0	0	0	0	2	0	0
Percent Hired	15%	17%	0%	0%	0%	0%	0%	0%	17%	0%	0%
Adverse Impact		NO	S/I						NO	S/I	

EXTERNAL APPLICANT FLOW - 2004

External applicant flow data is generated when vacancy announcements for permanent positions are posted outside MDT and are not restricted to internal applicants only.

The external applicant flow analysis indicates 720 applicants applied for positions and 193 persons were hired; 73% of the hires occurred in the blue-collar series of Skilled Craft and Service Maintenance.

Adverse impact analysis indicated that female applicants were generally hired in greater ratio than males were. The only exception is the Skilled Craft category. Although 25% of the female applicants were hired in this category, statistical analysis indicates a potential for adverse impact. These selections generally occur in District field locations because they are entry-level positions and are either truck drivers (snow plow operators) or basic shop mechanics. Discussion with field Human Resource Specialists indicate that women applying for these positions generally drop out at either minimum qualification stage or during the actual testing process. The truck driver positions are extremely hazardous positions that require a minimum of one-year driving experience and a CDL. The persons hired in these positions must be able to drive a snowplow in all kinds of winter conditions at erratic times in order to keep roads open for the traveling public. Veteran's Preference requirements also affect hiring females.

There were 27 Native Americans who applied for positions; three were females. Fifty percent of the Native American applicants were hired in the Professional series (female Native American). In the Skilled Craft and Service Maintenance positions, 28% and 33% respectively, of the Native American applicants were hired. Native Americans have the same difficulties that women do in regards to obtaining CDLs and passing the performance and written tests and Veteran's Preference issues.

The performance and written testing processes for the Skilled Craft positions have been reviewed and determined to be appropriate and are job related. The written test has been carefully scrutinized several times to determine whether there is an adverse impact for minority and female applicants and we have determined that questions asked in the test accurately reflect job related situations and issues.

MDT
Civil Rights Bureau

Montana Department of Transportation
Civil Rights Bureau
Adverse Impact Analysis-Permanent
01-Jan-2004 through 29-Nov-2004
Agency Wide - All Divisions
External

<u>EEO CATEGORY</u>	<u>TOTALS</u>	<u>CAUCASIAN</u>	<u>NATIVE AMERICAN</u>	<u>HISPANIC</u>	<u>ASIAN</u>	<u>BLACK</u>	<u>UNKWN</u>	<u>OTHER</u>	<u>MALE</u>	<u>FEMALE</u>	<u>UNKWN</u>
PROFESSIONALS											
Total Applicants	150	138	2	0	2	0	8	0	117	33	0
Number Hired	25	23	1	0	0	0	1	0	17	8	0
Percent Hired	17%	17%	50%	0%	0%	0%	13%	0%	15%	24%	0%
Adverse Impact			S/I		S/I					NO	
TECHNICIANS											
Total Applicants	102	95	0	2	1	0	4	0	76	25	1
Number Hired	18	18	0	0	0	0	0	0	12	6	0
Percent Hired	18%	19%	0%	0%	0%	0%	0%	0%	16%	24%	0%
Adverse Impact		NO		S/I	S/I						S/I
PROTECTIVE SERVICES											
Total Applicants	39	33	1	2	0	1	2	0	31	8	0
Number Hired	2	2	0	0	0	0	0	0	2	0	0
Percent Hired	5%	6%	0%	0%	0%	0%	0%	0%	6%	0%	0%
Adverse Impact		NO	S/I	S/I		S/I	S/I		NO		
OFFICE/CLERICAL											
Total Applicants	57	57	0	0	0	0	0	0	6	51	0
Number Hired	7	7	0	0	0	0	0	0	1	6	0
Percent Hired	12%	12%	0%	0%	0%	0%	0%	0%	17%	12%	0%
Adverse Impact		NO								NO	
SKILLED CRAFT											
Total Applicants	185	162	18	2	1	0	2	0	176	8	1
Number Hired	80	73	5	1	0	0	1	0	77	2	1
Percent Hired	43%	45%	28	50%	0%	0%	50%	0%	44%	25%	100%
Adverse Impact		NO		S/I	S/I		S/I				S/I
SERVICE MAINTENANCE											
Total Applicants	187	181	6	0	0	0	0	0	178	9	0
Number Hired	61	58	2	0	0	0	1	0	56	4	1
Percent Hired	33%	32%	33%	0%	0%	0%	0%	0%	31%	44%	0%
Adverse Impact		NO	NO							NO	

Only six Hispanic applicants applied for positions; one Hispanic was hired, 2 failed in the testing process and the other two did not score high enough to be successful. Four Asians applied for positions but all failed in the testing process. Selection processes were reviewed and found to be job related.

A somewhat unique situation in Montana involves Veterans preference. State and Federal Veterans preference laws appear to be adversely impacting many minorities and females who successfully pass minimum qualification and other selection criteria especially in the Skilled Craft category. The 2000 census data* does not provide specific labor force figures for Veterans but the census data population figures for Montana, shown below, should nearly replicate labor force figures.

	MALE VETERANS	FEMALE VETERANS
<i>Total</i>	65,839	5,006
<i>Total Native American</i>	3,073	306
<i>Total Hispanic</i>	858	104
<i>Total Asian</i>	143	39
<i>Total Black</i>	274	58

2004 MINORITY/FEMALE HIRING GOAL ACCOMPLISHMENT 1/1/04 through 11/29/04						
Occupational group	Total		Native American		Other Minority Groups	
	Males	Females	Males	Females	Males	Females
Officials-Admin.						
Goal	0	1	1	0	0	0
# Hired	0	0	0	0	0	0
Goal Accomplished	N/A	N/A	N/A	N/A	N/A	N/A
Professionals						
Goal	0	4	1	0	0	0
# Hired	18	6	0	1	0	0
Goal Accomplished	N/A	YES	N/A	YES	N/A	N/A
Technicians						
Goal	0	2	1	0	1	1
# Hired	12	6	0	0	0	0
Goal Accomplished	N/A	YES	NO	N/A	N/A	N/A
Protective Services						
Goal	0	0	0	0	0	0
# Hired	2	0	0	0	0	0
Goal Accomplished	N/A	N/A	N/A	N/A	N/A	N/A
Para-Professionals						
Goal	0	0	0	0	0	0
# Hired	N/A	N/A	N/A	N/A	N/A	N/A
Goal Accomplished	N/A	N/A	N/A	N/A	N/A	N/A
Office - Clerical						
Goal	0	0	0	1	0	1
# Hired	1	6	0	0	0	0
Goal Accomplished	N/A	YES	N/A	N/A	N/A	N/A
Skilled Craft						
Goal	0	1	1	0	1	0
# Hired	121	4	5	1	1	0
Goal Accomplished	N/A	YES	YES	YES	YES	N/A
Service Maintenance						
Goal	0	1	1	0	0	0
# Hired	6	1	1	0	0	0
Goal Accomplished	N/A	YES	YES	NO	N/A	NO

ACTION ITEMS PLANNED FOR CALENDAR YEAR 2005

Action Item 2005-1: Background – Applications from members of minority groups for externally advertised positions have continued to diminish over the past 5 years which has resulted in few minority group persons, particularly Native Americans entering MDT's workforce. Some Districts/Divisions have managed to retain minority group workers, others have not.

Action To Be Taken:

1. Develop a District-by-District availability labor force analysis to identify
 - a. all minority populations in each District in terms of numbers and residency.
 - b. Determine which, if any, Districts are at parity with available labor force minority figures.

Responsible Official: CRB Bureau staff will conduct the analysis to identify all minority populations and determine parity levels.

Target Dates: Statistical Analysis to be completed by March 25, 2005.

2. Identify available spokespersons or advocacy groups for those populations.

Responsible Official: CRB Bureau staff and District Human Resource Specialists will identify available spokespersons or advocacy groups.

Target Dates: Identification must be well underway by April 1, 2005, and preferable completed prior to construction season hiring. It should continue throughout year.

3. Establish, coordinate and implement a visitation schedule with all identified referral sources at District level. Visit should include but not be limited to discussions concerning peak employment times for district, anticipated employment opportunities, identification of referral sources needs that MDT may be able to accommodate such as training, workshops, etc.

Responsible Official: CRB Bureau staff person and District Human Resource Specialists

Target Dates: Throughout year but with emphasis on hiring for construction season as necessary in each District and headquarters.

4. Request assistance/information from the MDT Transportation Commission subcommittee on Native American issues relative to improving recruitment and selection from reservations.

Responsible Officials: MDT Tribal Coordinator, CRB staff, Subcommittee Members

Target Dates: Throughout year

5. Determine what impact, if any, Veteran's Preference has on the hiring of minorities and females by tracking the number of veterans hired as a result of veteran's preference points over minorities and females.

Responsible Officials: Headquarters, District Personnel Specialists, and Civil Rights Bureau

Target Dates: Throughout year

MONTANA 2000 CENSUS DATA

<u>ETHNICITY</u>	<u>POPULATION</u>	<u>PERCENTAGE</u>
	<i>Total</i> <i>917, 621</i>	
WHITE	831,364	90.6%
BLACK	2,752	.3%
NATIVE AMERICAN	56,892	6.2%
ASIAN AMERICAN	4,588	.5%
HISPANIC	18,352	2%

2000 CENSUS AVAILABILITY DATA

Occupational Group	MDT Workforce	Available Labor Force				Under Represented		# Needed for Parity	
		Female	Minority	Female	Minority	Female	Minority	Female	Minority
<i>Officials / Administrators</i>	178*	18	4	14%	3%	Yes	Yes	6	3
<i>Professionals</i>	657	162	22	24%	6%	Yes	Yes	2	14
<i>Technicians</i>	242	103	15	40%	7	No	Yes	0	2
<i>Protective Services</i>	76	9	5	10%	8	No	Yes	0	1
<i>Office / Clerical</i>	41	37	5	83%	7	No	No	0	0
<i>Skilled Craft</i>	703	21	49	3%	8	No	Yes	0	9
<i>Service / Maintenance</i>	93	7	3	10%	7	Yes	Yes	3	3

*NOTE: The total number of Officials and Administrators for this report is much larger than statistical data contained elsewhere in this document. The difference is due to a change in software. Because of the complex formulas, we were unable to change the under representation data for this printing but will have the problem solved before the next AAP.

EMPLOYMENT GOALS

	2005				2006				2007				2008			
	A I		Hispanic		A I		Hispanic		A I		Hispanic		A I		Hispanic	
	M	F	M	F	M	F	M	F	M	F	M	F				
<i>Officials/</i>																
<i>Administrators</i>	1	0	0	0	1	0	0	0	1	0	0	0	1	0	0	0
<i>Professionals</i>	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0
<i>Technicians</i>	1	2	1	1	2	1	0	1	2	1	0	0	1	0	0	1
<i>Protective Services</i>																
	0	1	0	0	1	1	0	0	1	1	0	0	0	0	0	0
<i>Paraprofessional</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Office - Clerical</i>	0	1	0	0	0	1	0	1	0	1	0	1	0	1	0	
<i>Skilled Craft</i>	0	0	1	1	0	1	1	0	0	1	1	0	1	0	0	0
<i>Service</i>																
<i>Maintenance</i>	1	1	0	1	0	1	1	0	0	1	1	0	1	0	0	0

A I = American Indians

NOTE: Montana's population figures for Black and Asian Americans are only .3% and .6% respectively. It is unreasonable to attempt to establish any meaningful goals.

When MDT employs Black or Asian American persons, those statistics will be included in our statistical database.

MDT
Civil Rights Bureau

OFFICE NO.		MONTANA DEPARTMENT OF TRANSPORTATION TRAINING ANALYSIS REPORT JANUARY 01, 1994 - NOVEMBER 30, 1994										Age	
JOB CATEGORY		ALL		BLACK		HISPANIC		NATIVE AMERICAN		ASIAN		NON-MINORITY	
		MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
OFFICIALS AND ADMINISTRATOR													
# OF EMPLOYEES	154	0	0	0	0	1	0	1	0	0	0	14	16
# OF HOURS	5,524.00	0.00	0.00	0.00	0.00	4.00	0.00	0.00	0.00	0.00	0.00	4,113.00	622.00
% OF EMPLOYEES		0.00	0.00	0.00	0.00	0.65	0.00	1.60	0.00	0.00	0.00	9.68	10.39
PROFESSIONALS													
# OF EMPLOYEES	606	0	0	1	1	7	0	0	0	0	0	44	14
# OF HOURS	27,296.50	0.00	0.00	8.00	4.00	296.00	0.00	0.00	0.00	0.00	0.00	17,112.00	4,420.50
% OF EMPLOYEES		0.00	0.00	0.17	0.17	1.16	0.00	0.00	0.00	0.00	0.00	7.26	2.30
TECHNICIANS													
# OF EMPLOYEES	212	1	0	2	0	7	3	0	1	0	0	118	80
# OF HOURS	8,134.00	37.50	0.00	32.00	0.00	313.00	46.50	0.00	20.00	0.00	0.00	5,411.00	1,179.00
% OF EMPLOYEES		0.47	0.00	0.94	0.00	3.30	1.42	0.00	0.47	0.00	0.00	55.66	37.74
PROTECTIVE SERVICE													
# OF EMPLOYEES	50	0	0	1	0	2	1	0	0	0	0	50	5
# OF HOURS	3,224.50	0.00	0.00	8.00	0.00	20.50	60.00	0.00	0.00	0.00	0.00	3,122.50	92.50
% OF EMPLOYEES		0.00	0.00	1.60	0.00	4.00	1.60	0.00	0.00	0.00	0.00	100.00	4.70
PARAPROFESSIONALS													
# OF EMPLOYEES	1	0	0	0	0	0	0	0	0	0	0	1	0
# OF HOURS	12.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12.00	0.00
% OF EMPLOYEES		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00
OFFICE/CLERICAL													
# OF EMPLOYEES	38	0	0	0	2	0	2	0	0	0	0	6	28
# OF HOURS	546.00	0.00	0.00	0.00	7.00	0.00	41.50	0.00	0.00	0.00	0.00	46.00	466.00
% OF EMPLOYEES		0.00	0.00	0.00	5.26	0.00	5.26	0.00	0.00	0.00	0.00	15.79	73.68
SKILLED CRAFT													
# OF EMPLOYEES	583	2	0	1	0	28	2	1	0	0	0	50	22
# OF HOURS	10,116.50	12.00	0.00	7.50	0.00	320.50	20.00	9.50	0.00	0.00	0.00	11,150.50	596.50
% OF EMPLOYEES		0.34	0.00	0.17	0.00	4.80	0.34	0.17	0.00	0.00	0.00	8.59	3.77
SERVICE MAINTENANCE													
# OF EMPLOYEES	87	0	0	1	0	0	0	0	0	0	0	7	6
# OF HOURS	1,314.00	0.00	0.00	19.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,255.00	46.50
% OF EMPLOYEES		0.00	0.00	1.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.05	6.90
AGENCY TOTALS													
# OF EMPLOYEES	1,735	2	0	6	3	45	11	2	0	0	0	175	100
# OF HOURS	53,144.50	49.50	0.00	74.50	11.50	1,000.50	260.00	274.00	0.00	0.00	0.00	42,413.50	9,070.00
% OF EMPLOYEES		0.12	0.00	0.35	0.17	2.59	0.63	0.40	0.00	0.00	0.00	10.08	5.76

MONTANA DEPARTMENT OF TRANSPORTATION
SEPARATION TOTAL
01/01/04 THRU 11/15/04

DATE 11/15/04

OFFICIAL CATEGORY	ALL EMPLOYEES			MALE						FEMALE					
	MALE	FEMALE	TOTAL	SPANISH			ASIAN			NATIVE			SPANISH		
				WHITE	BLACK	SURNAME	AMERICAN	AMERICAN	AMERICAN	WHITE	BLACK	SURNAME	AMERICAN	AMERICAN	AMERICAN
OFFICIALS/ADMIN OFFICIAL ADMINISTRATORS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROFESSIONALS	16	4	20	16	0	0	0	0	0	4	0	0	0	0	0
TECHNICIANS	27	11	38	27	0	0	0	0	0	11	0	0	0	0	0
PROTECTIVE SERV WORKERS	1	0	1	0	0	1	0	0	0	0	0	0	0	0	0
PARAPROFESSIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OFFICE & CLERICAL	0	2	2	0	0	0	0	0	0	2	0	0	0	0	0
SKILLED CRAFT WORKERS	31	0	31	27	0	0	0	4	0	0	0	0	0	0	0
SERVICE MAINTENANCE	9	0	9	9	0	0	0	0	0	0	0	0	0	0	0
TOTALS	84	17	101	79	0	0	0	4	0	17	0	0	0	0	0

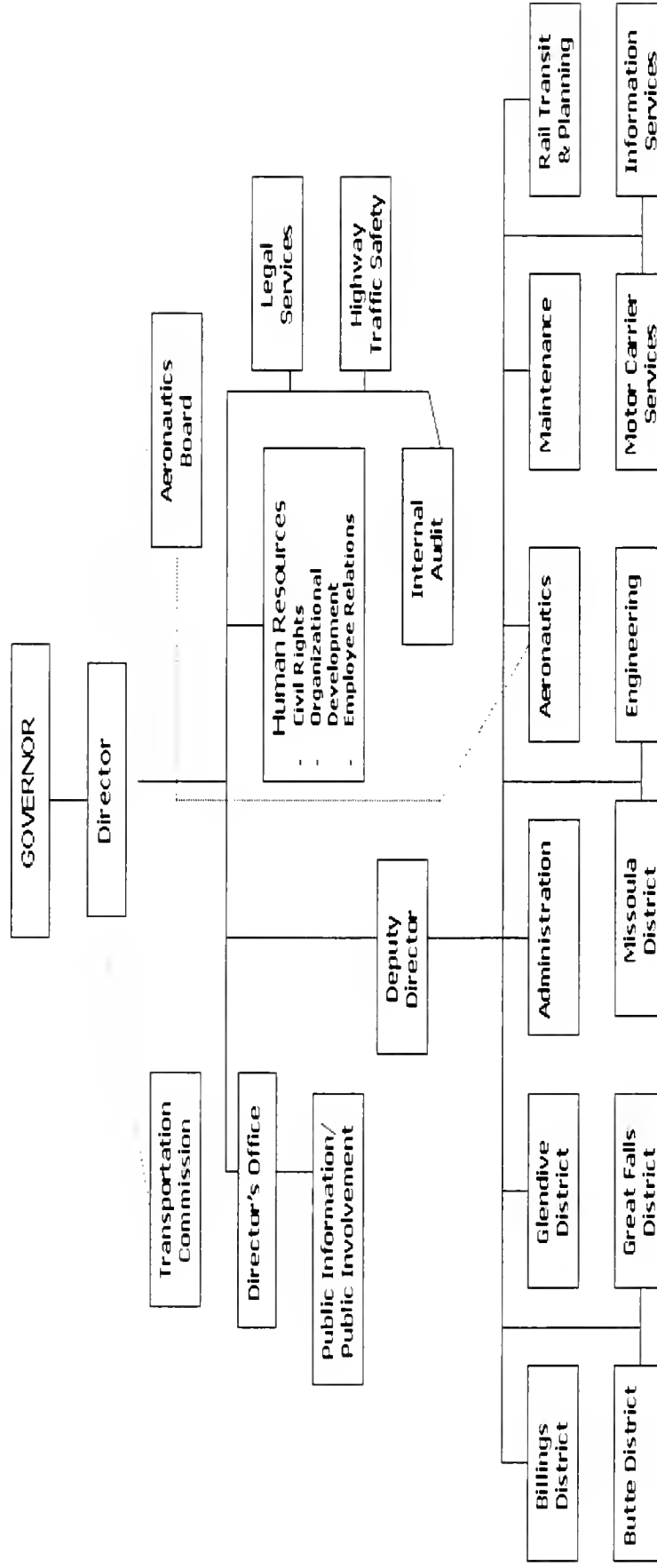
REASON	ALL EMPLOYEES			MALE						FEMALE					
	MALE	FEMALE	TOTAL	SPANISH			ASIAN			NATIVE			SPANISH		
				WHITE	BLACK	SURNAME	AMERICAN	AMERICAN	AMERICAN	WHITE	BLACK	SURNAME	AMERICAN	AMERICAN	AMERICAN
FORCE CUT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
POP CAUSE	3	1	4	3	0	0	0	0	1	1	0	0	0	0	0
DECEASED	3	1	4	3	0	0	0	0	0	1	0	0	0	0	0
PERSONAL REASONS	16	4	20	16	0	0	0	0	0	4	0	0	0	0	0
ATTEND SCHOOL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OTHER EMPLOYMENT	16	1	17	16	0	1	0	0	0	1	0	0	0	0	0
RETIREMENT	32	0	32	30	0	0	0	0	0	2	0	0	0	0	0
ILLNESS	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0
OTHER REASONS	1	4	5	1	0	0	0	0	0	4	0	0	0	0	0
VOLUNTARY	9	0	9	9	0	0	0	0	0	0	0	0	0	0	0
TOTALS	84	17	101	79	0	0	0	4	0	17	0	0	0	0	0

MDT
Civil Rights Bureau

State and Local Government Information
2004 EEO-4 Report
State Personnel Division
Full Time Employees

JOB CATEGORY	SALARIES	TOTAL	MALE					FEMALE				
			White	Black	Hispanic	Asian	Native American	White	Black	Hispanic	Asian	Native American
Officials - Administrators	\$33.00-42.90	1	1									
	43.00-54.90	53	48			1	1	3				
	55.00-69.90	87	77					10				
	70.00-Plus	29	25					4				
Professionals	\$16.00-19.90	1	1									
	25.00-32.90	64	36			3	1	23		1		
	33.00-42.90	312	228			1	6	75				2
	43.00-54.90	227	180		1	1	1	44				
	55.00-69.90	46	36					9				
	70.00-Plus	1	1									1
Technicians	16.00-19.00	42	31		1		1	9			1	1
	20.00-24.90	72	37				2	31				2
	25.00-32.90	114	54				4	54				
	33.00-42.90	7	4					3				
	43.00-54.90	1	1									
Protective Services	\$20.00-24.90	20	16									
	25.00-32.90	33	27		1	1		4				
	33.00-42.90	24	21				2	1				
Para-professionals	\$43.00-54.90	1	1									
Administrative Support	\$0.1-15.90	1						1				
	16.00-19.00	13	2					11				
	20.00-24.90	12	1					8		2		1
	25.00-32.90	5						4				1
	33.00-42.90	2	1					1				
	43.00-54.90	4	1					3				
Skilled Craft	\$0.1-15.90	3	1									
	16.00-19.00	5	4									
	20.00-24.90	15	10									
	25.00-32.90	286	257	2			1	15	10			
	33.00-42.90	378	351		1		20	5				1
Service Maintenance	43.00-54.90	10	9					1				
	\$25.00-32.90	42	35									
	33.00-42.90	18	18									
	43.00-54.90	33	32		1							
Totals		1963	1548	2	5	8	53	332	0	3	1	11

ORGANIZATIONAL CHART



EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Montana Department of Transportation is an equal opportunity employer. No person will be denied employment or otherwise be subject, in any term or condition of employment to discrimination based on sex (including sexual harassment), race, color, creed, religion, national origin, age, disability, marital status or political beliefs.

MDT will take affirmative action to equalize employment opportunities at all levels of Agency operations where there is evidence there have been barriers to employment for those groups of people who have traditionally been denied equal employment opportunity.

All MDT employees are protected from retaliation for lawfully opposing any discriminatory practice, including filing an internal complaint, the filing of a union grievance, and the initiation of an external administrative or legal proceeding or testifying in or participating in any of the above.

AMERICANS WITH DISABILITIES ACT POLICY

The Montana Department of Transportation shall not discriminate against a qualified individual with a disability in regard to job application procedures, hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment.

SEXUAL HARASSMENT POLICY

It is the **policy** of the State of Montana that all employees have a right to work in an environment free from all forms of discrimination, including sexual harassment.

It **should be understood** that sexual harassment is against the law and the State of Montana is committed to the prevention of all forms of sexual harassment in the work place. In addition the State of Montana prohibits retaliation against any employee because he or she has made a report of alleged sexual harassment or against any employee who has testified, assisted, or participated in any manner in an investigation of a report.

Sexual harassment is generally defined as unwelcome sexual advances, requests for favors and other verbal, physical and/or visual contact of a sexual nature when:

- Submission is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission or rejection by an employee is used as a basis for employment decisions affecting the employee.
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or otherwise offensive work environment.

The following are examples of sexual harassment:

- Sexual advances which are unwanted (this may include situations which began as reciprocal attractions, but later ceased to be reciprocal).
- Sexual gestures.
- Displaying sexually suggestive objects, pictures, cartoons or posters.
- Verbal abuse of a sexual nature, sexually-oriented jokes, innuendoes or obscenities. Sexually suggestive letters, notes or invitations.
- Reprisals or threats after a negative responses to sexual advances.
- Employment benefits affected in exchange for sexual favors (may include situations where a third party is treated less favorably because others have agreed to sexual advances).
- Physical conduct such as assault, attempted rape, impeding or blocking movement, or touching.
- Women or men in nontraditional work environments may also be subject to hazing (this may include being dared or asked to perform unsafe work practices).

You should report sexual harassment as soon as possible after the incident or action occurs. Early reporting is encouraged, because management's ability to investigate and act on reports diminishes with time. If you feel you are being sexually harassed, do not keep it to yourself, take the following steps:

- Inform the individual that his/her behavior is unwelcome, offensive or inappropriate. Do not assume or hope that the problem will go away.
- If you unable to confront the harasser or the harassment continues, notify your supervisor, the first level supervisor who is not involved in the alleged harassment, or your department's EEO officer.
- Request a copy of your department's sexual harassment prevention policy. Reporting procedures are included in the policy.
- Keep notes. Keep a record of the dates, times, places, witnesses and describe each incident. Save all notes, correspondence or related records in a safe place.

If you are considering reporting a complaint, you can:

Use the MDT complaint procedures posted in your work area or by calling your EEO representative.

File a complaint with the Human Rights Bureau. Complaints with the Human Rights Bureau will be accepted within 180 days of the act, or an extended 120 days if you are using an internal complaint procedure .

If you are not personally a victim of sexual harassment, but observe actions against other employees, which you believe to be harassment, you are encouraged to bring it to the attention of your EEO officer.

s/s: Dave Galt, Director

Montana Department of Transportation

Alternative accessible formats of this document will be provided upon request. For further information, please contact:

Civil Rights Bureau
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